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24498

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In re Application of  
GANDOLPH et al  
Application No.: 10/551,575  
PCT No.: PCT/EP04/02998  
Int. Filing Date: 22 March 2004  
Priority Date: 02 April 2003  
Attorney Docket No.: PD030037  
For: METHOD FOR BUFFERING  
DATA STREAMS READ FROM  
A STORAGE MEDIUM

**DECISION**

This decision is in response to the papers filed 01 March 2007 which are treated as a petition under 37 CFR 1.182 to change the name of an inventor.

**BACKGROUND**

On 03 August 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 02 October 2006, applicants filed an executed declaration and surcharge fee. The name of the first inventor was listed as Dirk GANDOLPH on the declaration. However, the surname was listed as Dirk ADOLPH on the international publication.

On 02 February 2007, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed stating that the declaration submitted was not in compliance with 37 CFR 1.497(a) and (b) as the first inventor's name is different than the name recorded in the international application.

On 01 March 2007, applicants filed the subject response which was accompanied by, *inter alia*, a declaration of the inventor whose name had changed and authorization to charge any required fee to Deposit Account No. 07-0832.

### DISCUSSION

Applicants' response is treated as a petition to change the name of the inventor. The \$400.00 petition fee has been charged to Deposit Account No. 07-0832 as authorized

Section 605.04(c), *Inventor Changes Name*, of the Manual of Patent Examining Procedures (MPEP) states, in part:

The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

In the response filed 01 March 2007, applicants submitted a declaration signed by the inventor listing both names and indicating that Mr. Gandolph legally changed his name. This is sufficient to meet the requirements noted above.

### CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration filed 02 October 2006 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 March 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 02 October 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

  
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